



REMARKS

In response to the Official Action mailed March 28, 2003, Applicant submits that claims 1- 3 and 6 - 14 are allowable over the art of record for the reasons discussed below and respectfully requests reconsideration, reexamination, and allowance of the aforementioned claims.

The "Fiber - Pulling" Limitation:

Before addressing the substantive, art-based rejections raised by Examiner Cole, Applicant believes that it would best serve Applicant and the Examiner to address the limitation "the cleaning tip being formed from a plurality of fibers formed by pulling the fibers through a die compressing the fibers into a substantially rigid, elongated head..." It is Applicant's position that this is in fact a structural limitation (or recitation) of the claim and not merely a method of forming the device. To this end, it is Applicant's position that "patentable weight" in fact should be given to this structural limitation in considering the claims at hand.

If the Examiner would prefer that this limitation be otherwise presented, for example to more positively set forth the compressed, die formed head, so that this limitation is construed as a structural limitation, it is requested that the Examiner contact the undersigned to discuss this rewording of the claim language.

The §102 Rejections

First, the Examiner rejected claims 1-5 under 35 U.S.C. §102(b) as anticipated by Burrow et al., U.S. Patent No. 5,214,821. As noted above claims 4 and 5 have been canceled. The Examiner characterized Burrow as disclosing a low contamination swab employing a tubular knit fabric, that comprises a handle, a cleaning head, a grasping end, a securing region on the cleaning head, and a cleaning tip formed by a plurality of compressed polyester fibers. The Examiner cites to column 2, lines 9-14 for support for the fibrous cleaning tip material. Further, the Examiner states that Burrow provides several methods for securing the cleaning tip to the handle such as through friction fit, an adhesive, or heat.

Next, the Examiner rejected claims 1, 5, 7, and 10 under 35 U.S.C. § 102(b) as being anticipated by Discko, JR., U.S. Patent No. 5,001,803. As noted above claim 5 has been

canceled. The Examiner characterized Discko as disclosing a handle having a longitudinal axis, the handle having a cleaning head end and a grasping end, the cleaning head end defining a securing region, and a cleaning tip. The Examiner states that the cleaning tip may be secured to the handle by adhesive. The Examiner further states that the handle is hollow and the cleaning tip has a dimension allowing the cleaning tip to be inserted into the handle's bore.

The §103 Rejections

The Examiner has rejected claims 1, 5, 7, and 10 under 35 U.S.C. §103(a) as being unpatentable over Discko, previously discussed, in view of Gorthala et al., U.S. Patent No. 6,007,655. As shown above claim 5 has been canceled. The Examiner states that although Discko does not disclose the pull-trusion as claimed (in claim 1), Gorthala et al. discloses an apparatus for and the method of producing thick polymeric composites.

Next, the Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Burrow, previously discussed, in view of Kachigan, U.S. Patent No. 5,084,005. The Examiner states that although Burrow does not disclose an ultrasonic welding process to secure the cleaning tip to the handle, Kachigian discloses that a swabbing tip may be secured to a rigid handle structure by ultrasonic welding.

Next, the Examiner rejected claims 8, 19, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over Burrow, previously discussed, in view of Bozarjian, U.S. Patent No. 6,187,104. The Examiner states that although Burrow does not disclose a tether, Bozarjian discloses a cleaning implement and method, which includes a tether secured to the handle-grasping end. The tether is secured through a handle bore. The Examiner notes that the tether may be removable or permanent. The Examiner concludes that it would have been obvious for one skilled in the art to apply the teachings of Bozarjian in including a removable or permanent tether to the swab so that the swab is always nearby or on hand when cleaning.

Next, the Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Discko, previously discussed, in view of Gradone, U.S. Patent No. 3,712,296. The Examiner states that although Discko does not disclose a tether disposed between an external gripping portion and the handle; Gradone discloses a swab device that provides a grip portion to avoid human contact with the handle.

Last, the Examiner rejected claims 11-12 under 35 U.S.C. §103(a) as being unpatentable over Discko, previously discussed, in view of Gradone, previously discussed, and in further view of Lisowski, U.S. Patent No. 5,937,473. The Examiner states that although Discko and Gradone do not disclose a tether disposed between an external gripping portion and the handle, Lisowski teaches a tether being disposed between a grip portion and handle.

The Presently Claimed Invention

The present invention is directed to a swab for cleaning. As exemplified by claim 1, the invention pertains to a swab having a tip or cleaning head portion formed from a pull-truded fibrous material and a method for making such swabs. The swab includes an elongated handle that defines a longitudinal axis. The handle has a cleaning head end and a grasping end. The cleaning head end defines a securing region. A cleaning tip is formed from a plurality of fibers formed by pulling the fibers through a die compressing the fibers into a substantially rigid, elongated cleaning head. The cleaning head is secured to the handle at the cleaning head end.

The Art of Record Fails to Disclose Each Element of the Claimed Invention

In order to anticipate a claim, the art of record must disclose each and every element of the claim. The cited art fails to accomplish this.

First, Burrow discloses strips of wrapped knit fabric (Column 6, Line 7). However, the claimed invention discloses a plurality of fibers (Column 7, Line 7) that have been compressed by being pulled through a die, or "pull-truded". Although the material claimed in Burrow may be similar to the material recited in the claimed invention, as seen in Burrow's FIG. 1, the manner in which the material is cut is substantially different. Any similarity between the claimed invention and the art disclosed in Burrows ends with the polyester material. Polyester strips and compressed fibers are substantially different. For instance, using the polyester strips that Burrows disclosed in the claimed invention would not produce the same result. To this end, Applicant submits that the rejections under § 102 over Burrows are improper because Burrows fails to disclose each and every element of the claimed invention.

Next, Applicant submits that Discko does not anticipate claims 1, 5, 7, and 10. Again, the claimed invention discloses a substantially rigid, elongated cleaning head (Column 7, Line 9). However, Discko, on the other hand, discloses a cleaning head that is capable of bending as

if on a hinge (Column 4, Lines 6-7). Therefore, it is Applicant's position that Discko's bending capability does not create a substantially rigid cleaning head. Also, Discko makes no mention of the pull-truded cleaning head. The final product, a swab, would not be productive as claimed but for the pull-truded cleaning head. Discko did not claim the pull-truded cleaning head element; therefore, it does not anticipate claim 1 and the claims depending therefrom. As such, Applicant submits that the claims are not anticipated by Discko, and requests that the Examiner withdraw such basis for rejection.

The Art of Record Fails to Make Obvious the Claimed Invention

In order to find that a patent claim is obvious in view of the prior art, the elements of that claim must be shown in one or more references and a suggestion, motivation or teaching to combine the references to make the invention must be shown.

First, the Examiner has rejected claims 1, 5, 7, and 10 based on Discko in view of Gorthala, as discussed above. Applicant respectfully traverses this ground of the rejection. First, there is nothing in Discko to teach or suggest a modification in the method of forming the cleaning head, nor is there anything in Gorthala to teach or suggest that the claimed method should be used for forming a cleaning head on a swab (Column 2, Lines 44 - 47). Second, Discko actually teaches away from modifying the referenced cleaning head. If the inventor were to follow the teaching of Discko, they would not modify a dental brush's bristles expecting the modification to effectively dust fiber optics. Since Discko already uses fiber-like bristles, there would be no motivation for the inventor to look further. Last, The Examiner is relying on hindsight in combining the references by already having knowledge of the claimed invention. An ordinary person skilled in the art would not have combined these two inventions because there is simply no notation, suggestion, or teaching to do so.

Next, the Examiner rejects claim 6 based on Burrow in view of Kachigian. Applicant respectfully traverses this ground of the rejection. First, Kachigian teaches away from combining the two references. In Kachigian, a solid foam swab head is attached by way of ultrasonic welding (Column 5, Lines 41 - 48). The combination suggested by the Examiner would not achieve the claimed invention. In Kachigian, the handle is inserted into the cleaning head. However, in the claimed invention the cleaning head is inserted into the handle.

Moreover, as above, the Examiner is relying on hindsight in combining the references by already having knowledge of the Applicant's own structure.

Next, the Examiner rejects claims 8, 9, 13, and 14 based on Burrow in view of Bozarjian. Applicant respectfully traverses this ground of the rejection. First, Burrow does not teach or suggest the addition of a tether. Further, Bozarjian does not teach or suggest the claimed invention's use of the tether but rather uses the tether to be connected to a mount. Second, Bozarjian teaches away from the claimed invention because it discloses that the tether be used to attach the invention to a mount and not to a person as in the claimed invention. Third, the combination suggested by the Examiner would not necessarily achieve the claimed invention. Bozarjian teaches that the tether be used to attach the referenced invention to a mount; therefore, it is likely that the claimed invention would also employ a tether to attach the cleaning swab to a mount, etc. Fourth, the Examiner is relying on hindsight in combining the references by already having knowledge of the Applicant's own structure.

Next, the Examiner rejects claim 10 based on Discko in view of Gradone. Applicant respectfully traverses this ground of the rejection. First, there is nothing in Discko to suggest the need to employ a grip portion as disclosed in Gradone. Second, Gradone teaches away from using the gripping portion. Gradone that discloses the grip is used to prevent contact with the handle. An inventor skilled in the art of producing fiber optic dusters would not believe there is a need to prevent contact with the handle, but rather would be concerned with the swab slipping from the operator's hand while in use. Third, the combination suggested by the Examiner would not necessarily achieve the Applicant's claimed structure. If the Applicant were to act on the teachings of Gradone, the Applicant may have incorporated a dust guard to prevent contact as opposed to a gripping portion. Fourth, the Examiner is relying on hindsight in combining the references by already having knowledge of the Applicant's own structure.

Next, the Examiner rejects claims 11-12 based on Discko in view of Gradone and in further view of Lisowski. Applicant respectfully traverses the grounds for rejection. First, none of the references teach or suggest the Examiner's combination. Second, as previously stated, Lisowski teaches away from incorporating the use of tether for anything but securing the device to a mount. Third, with numerous references there is a great chance that the combination suggested by the Examiner would not be the one claimed. The Applicant in using the three references would be capable of developing any number of inventions. Fourth, the Examiner



relies on 3 references in support of a single rejection. A multiplicity of references further supports Applicant's assertion of non-obviousness, because even with knowledge of the Applicant's structure, the Examiner had to rely on 3 references, and to choose among the features to produce the claimed invention. Last, the Examiner is relying on hindsight in combining the three references by already having knowledge of the Applicant's own structure.

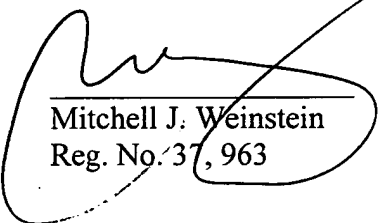
Applicant submits that based on the above noted amendments and remarks, claims 1 – 3 and 6 – 14 are allowable over the art of record and respectfully and earnestly solicits early indication of same.

Applicant believes that there are no fees due in connection with the present amendment. If, however, a fee is due, the Commissioner is hereby authorized to charge any underpayment, or credit any overpayment, to the Deposit Account No. 23-0920.

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, she is respectfully requested to contact the undersigned

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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